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09/675,890	09/29/2000	Naojito Takeuchi	2309/OH713	3384

7590 06/03/2003

Darby & Darby PC  
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New York, NY 10022

EXAMINER

GUARIELLO, JOHN J

ART UNIT PAPER NUMBER

1771

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

HC

## Office Action Summary

Application No.	09/675890	Applicant	Takeuchi et al.
Examiner	John Guarnello	Group Art Unit	1771

**—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—**

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### **Status**

- Responsive to communication(s) filed on 2/26/2003  
 This action is FINAL.  
 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### **Disposition of Claims**

- Claim(s) 1, 6-18 is/are pending in the application.  
 Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 Claim(s) \_\_\_\_\_ is/are allowed.  
 Claim(s) 1, 6-18 is/are rejected.  
 Claim(s) \_\_\_\_\_ is/are objected to.  
 Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### **Application Papers**

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
 The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.  
 The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 The specification is objected to by the Examiner.  
 The oath or declaration is objected to by the Examiner.

### **Priority under 35 U.S.C. § 119 (a)-(d)**

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
 All  Some\*  None of the CERTIFIED copies of the priority documents have been received.  
 received in Application No. (Series Code/Serial Number) \_\_\_\_\_.  
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### **Attachment(s)**

- |  |  |
|--|--|
| <input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____<br><input type="checkbox"/> Notice of Reference(s) Cited, PTO-892<br><input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948 | <input type="checkbox"/> Interview Summary, PTO-413<br><input type="checkbox"/> Notice of Informal Patent Application, PTO-152<br><input type="checkbox"/> Other _____ |
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## Office Action Summary

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## **DETAILED ACTION**

15. The Examiner acknowledges paper # 9, the amendment of 2/26/2003, and the cancellation of claim 5.
16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

17. Claims 1, 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. 6,228,218 in view of Takeuchi et al. 6,287,419 and Iler 2,801,938.

Rejection is maintained substantially as in paper # 8 of 12/5/2002.

Applicant's arguments regarding pH and colloidal silica solution have been considered but are not considered persuasive because the arguments pertain to issues of ph which are not limitations in the claims of the claimed invention. Iler describes colloidal silica solutions with alkali ions, which amount about 0.1 percent overlaps that of the claimed invention and is obvious to one of

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ordinary skill in the art taking the invention as a whole, (column 2, lines 1-7; lines 42-53).

Takeuchi describes a water disintegratable cleaning sheet which is a fibrous sheet, (see abstract). Takeuchi describes the fibers of the fibrous sheet have satisfactory dispersibility in water, namely water distinegratability, (column 2, lines 48-54). Takeuchi describes the basis weight of the fibers is between 20 to 100 g/square meter, (column 3, lines 1-8). Takeuchi describes a binder which is added to the fiber web alkylcellulose among others, (column 3, lines 15-35). Takeuchi describes electrolyte in the fibrous sheet, (column 3, lines 37-60). Takeuchi differs from the claimed invention because it is silent about the colloidal silica as a gel compound and the length of the fibers.

Takeuchi '419 describes a water decomposable non-woven fabric with fiber lengths of 3-10 mm., (see abstract; column 2, lines 4-18).

Iler describes treating paper products (corresponding to sheets) with silica sol (corresponds to gel), (column 1, lines 15-20). Iler describes treating paper with aqueous stabilized colloidal solutions corresponding to silica gel or

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sol, (column 2, lines 42-50). Iler describes how the colloidal silica solution as sol or gel, (column 3, lines 20-71).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the fabric with the fiber lengths of 3-10 mm of '419 and the colloidal silica sol or gel of Iler in the water decomposable sheet of Takeuchi of '218 motivated with the expectation that colloidal silica gel or sol of Iler would improve wet strength properties and still have properties of wiping without decomposing prematurely especially for use as paper towels and blotting, (column 4, lines 43-45) of Iler.

18. Rejections not maintained under second paragraph section 112 were withdrawn because of the amendment to claim 17 of paper # 9 of 2/26/2003.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Britt 2,399,981 describes silica added in certain

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amounts to paper for wet strength so as not to render the paper unsatisfactory for the intended use, (column 2, lines 31-54).

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone

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number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

J

John J. Guarriello:gj

Patent Examiner

May 27, 2003

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700